

ORDINANCE NO. _____, SERIES 2007

**AN ORDINANCE RE-ENACTING AND AMENDING
CHAPTER 155 OF THE LOUISVILLE METRO CODE OF
ORDINANCES (LMCO) RELATING TO SIGNS.**

Sponsored By: Councilmen Downard and Blackwell

**BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS
FOLLOWS:**

SECTION I: LMCO Chapter 155 is hereby re-enacted and amended as follows:

§ 155.01 SCOPE AND APPLICATION.

(A) *Scope.* The provisions of this chapter shall govern the construction, alteration, repair, maintenance, and inspection of all signs, together with their appurtenant and auxiliary devices in respect to structural and fire safety.

(B) *Zoning law.* When there is a conflict the zoning laws shall take precedence over the regulations of this chapter.

(C) *Construction standards.* The provisions of the applicable standards listed in the Kentucky Building Code and OSHA shall apply.

(D) *Other standards.* The provisions of any health, fire, or safety code of the city shall apply.

(E) For the purposes of this chapter, the Land Development Code sign definitions and regulations shall apply.

(F) For the purpose of this chapter, Department shall mean the Department of Codes and Regulations.

§ 155.02 PLANS, SPECIFICATIONS, AND PERMITS.

(A) *Plans, specifications, and owner's consent.* Before any permit is granted for the erection of a sign, plans and specifications shall be filed with the Department of Codes and Regulations (hereafter referred to as Department), permitting division, showing the dimensions, materials, and required details of construction, or alteration, including loads, stresses, anchorage, illumination details, location and descriptions of all existing signs on the property, and the sign's location in relation to other structures and to property lines and all required information on the permit application. The location shall include an address and block and lot number. The applications shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected.

~~(1)~~ Signs listed as exempt within the Land Development Code will not be required to comply with this section.

(B) *Permits.* A new sign shall not hereafter be erected, constructed, or altered, except as herein provided and until after a permit has been issued by Louisville Metro ~~Louisville the Building Official~~. Any permit issued shall become invalid if the authorized work is not commenced within 180 days after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work.

~~(1)~~ Signs listed as exempt from regulations within the Land Development Code will not be required to obtain permits.

(C) *Identification.* Every portable sign shall have affixed to it a decal (with expiration date) which evidences compliance with standards contained in this chapter and which shall be obtained from the Department ~~the Building Official~~ . This decal shall be maintained on the face or edge of the sign in a location legible from the sidewalk level or ground level.

(D) *Alterations.* A sign shall not be enlarged or relocated except in conformity to the provisions of this chapter ~~for now or~~ until a proper permit has been secured. The changing of movable parts of an approved sign that is designed for such changes, or the repainting or reposting of display matter, shall not be deemed an alteration, provided the conditions of the original approval and the requirements of this chapter are not violated.

§ 155.03 POLITICAL SIGNS

Political signs. A political sign is any type of sign which refers only to issues or candidates involved in any political or nonpartisan, special, primary, or general election. Any such sign shall not have more than 16 square feet of display surface and shall be removed within seven days after the election to which the sign pertains.

(§ 155.04 UNSAFE AND UNLAWFUL SIGNS.

(A) *Notice of unsafe and unlawful signs.* When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign is installed, erected, or maintained in violation of any of the provisions of this chapter, the owner thereof or the person or firm maintaining it shall upon written notice from the Department ~~the Building Official~~, forthwith in the case of immediate danger and in any other case within not more than ten days, make such sign conform to the provisions of this chapter or shall remove it. If within ten days the order is not complied with, the Department ~~the Building Official~~ IPL may cause the removal of the sign at the expense of the owner or lessee.

(B) *Unlawful signs.* The location or positioning of signs shall be considered unlawful if such sign is erected, constructed or maintained in violation of the Kentucky Building Code and/or Land Development Code or causes a violation of either of these Codes. A sign will also be considered unlawful if such sign is erected or constructed without prior approval and permit from the Department I:

(C) *Removal of unsafe and unlawful signs.* Whenever the Department ~~the Building Official~~ determines that an emergency exists which requires immediate action to protect the public health or safety, the Department may without notice or hearing, order that such actions be taken, including, but not limited to repair of or removal of such sign.

(D) The amount of the costs of any repairs, or removal, carried out by the Metro Government pursuant to this section, including all costs for labor, materials, and administrative costs of 15% of the above, shall be charged against the owner of the real estate upon which the sign is located and/or the owner or lessee of the sign. If the owner or lessee does not make payment within 30 days of being notified by the Department, a lien for the amount plus filing and releasing fees will be placed against the real estate. Such lien will bear an interest rate of 18% annually until payment is made in full.

§ 155.05 EXISTING SIGNS.

(A) *Removing or reconstructing signs.* A sign heretofore approved and erected shall not be repaired, altered, or moved, nor shall any sign, or any substantial part thereof, which is blown down, destroyed, or removed be re-erected, reconstructed, rebuilt, or relocated unless it is made to comply with all applicable requirements of this chapter.

(B) *Repair of unsafe sign.* This section shall not be construed to prevent the repair or restoration of an unsafe condition as directed by the Department the Building Official of any part of an existing sign when damaged by storm or other accidental emergency.

(C) *Relocating signs.* Any sign that is moved to another location either on the same or to other premises shall be considered a new sign and a permit shall be secured prior to any work performed in connection therewith .

§ 155.06 MAINTENANCE AND INSPECTION.

(A) *Removal.* ~~The Department~~ ~~The Building Official~~ may order the removal of any sign that is not maintained in accordance with the provisions of this chapter.

(B) *Maintenance.* All signs, for which a permit is required or which are regulated by the Land Development Code, together with all their supports, braces, guys, and anchors shall be maintained in safe manner and when constructed of materials which require protection from the elements shall be protected with an approved coating to prevent corrosion.

(C) *Housekeeping.* It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary, and healthful condition.

(D) *Inspection.* *Once installed, the owner of the sign shall notify the Department of the same within 48 hours. Upon notification, the Department shall perform an inspection of the sign to insure its installation was done so in accordance to the approved plans and permits.*

§ 155.07 ~~GENERAL REQUIREMENTS FOR ALL SIGNS~~ RESERVED.

~~(A) *Construction.* All signs shall be designed and constructed in conformity to the provisions of the Kentucky Building Code and all of its referenced standards and the requirements of this chapter.~~

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~~(CB) Servicing devices. Ladders, platforms, hooks, rings, and all other devices for the use of servicing personnel in the maintenance of signs shall have safety devices and design loading in accordance with the safety requirements in the Kentucky Building Code and OSHA.~~

§ 155.08 Portable Signs RESERVED.

~~(A) Portable signs. All types of portable signs as defined within the Land Development Code shall conform to the all the standards set forth therein within the Land Development Code.~~

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~~(C B) Special permits. Temporary signs used for holidays, public demonstrations, or promotions of civic welfare or charitable purposes, which extend across streets or other public spaces, must be approved prior to installation by the Director of Public Works and Assets or the governmental authority having jurisdiction over of that right-of-way or space. Unlawful portable signs may be caused to be removed from the public right-of-way by the Director of Public Works and Assets.~~

§ 155.09 ~~ILLUMINATED SIGNS RESERVED.~~

~~(A) *Certificates.* All electrically illuminated signs, its wiring and electrical connections, as well as its accessory electrical equipment, shall conform to the requirements of the National Electrical Code as referenced within the Kentucky Building Code.~~

~~(B) *Additional permits.* Electrical permit must be obtained from the Department prior to the installation or connection of any electrical component of illuminated sign as required by the Kentucky Building Codes and Metro ordinance.~~

~~(C) *Relettering signs.* The requirements of this section shall not apply to the relettering of illuminated signs, except where such relettering requires a change of electrical components and/or connections of the sign.~~

§ 155.10 RESERVED .

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§ 155.11 REGISTRATION OF OUTDOOR ADVERTISING SIGNS.

Each year all outdoor advertising signs, commonly referred to as billboards or off-premises signs, shall be registered with the Department . For purposes of registration and fee collection, this section shall apply only to freestanding sign structures or to the above described signs which are structurally attached or mounted to buildings or other objects. The following subsections should apply to this annual registration:

(A) The owner of the sign shall pay annual registration fee of \$75 for each sign measuring greater than 330 square feet, \$50 for each signs measuring greater than 72 square feet but less than 330 square and \$25 for each sign measuring 72 square feet or less. Said fee shall be due and payable on July 1 of each year.

(B) The owner of the sign shall provide the Department a copy of the renewed lease agreement, number of faces and size of the sign, and location by address and block and lot number.

(C) Failure to register shall cause the Department to issue an order to remove said sign within 30 days or the Metro Government shall remove the sign at the owner's expense. All costs incurred in the removal of a sign will be processed and attached against the owner in accordance to 155.04(D).

SNYDER FREEWAY SIGNS

§ 155.30 DEFINITIONS.

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS SIGN or ***ON-PREMISES SIGN***. A sign used to identify a business, profession, trade or occupation on the site and/or the generic or brand name of products or services available at the site, and shall include an attached sign, freestanding sign, projecting sign, and freestanding directional sign on it.

OUTDOOR ADVERTISING SIGN, BILLBOARD or OFF-PREMISES SIGN. A sign used to display, advertise or otherwise direct attention to any business enterprise, commodity, service or entertainment, conducted, sold or offered at a location other than the premises on which the sign is located.

§ 155.31 LIMITATIONS ON LOCATION OF SIGNS.

(A) No outdoor advertising signs (billboards) shall be located within 2,000 feet of the nearest edge of the right-of-way line of the Snyder Freeway.

(B) No freestanding business sign shall be located within 200 feet of the nearest edge of the right-of-way line of the Snyder Freeway. Any freestanding sign between 200 feet and 500 feet from the nearest right-of-way of the Snyder Freeway shall not exceed 20 feet in height, and the face of any such sign shall not exceed 80 square feet in area; in addition, such signs must meet the size limitations imposed by the zoning district in which they are located.

(C) No small freestanding sign or banner (permanent or temporary) shall be permitted within 200 feet of the nearest right-of-way line of Snyder Freeway.

(D) No sign attached to a building or structure within 200 feet of any right-of-way of the Snyder Freeway shall exceed 80 square feet in area on any facade visible from the freeway at any angle or view; nor exceed the size limitations imposed by the district in which it is located or as required by the sign regulations of the Land Development Code.

§ 155.32 INCORPORATION OF MAP BY REFERENCE.

The 1988 Gene Snyder Freeway right-of-way map, as made by the Louisville Metro Planning Commission, a copy of which is on file in the office of the Louisville Metro Planning Commission, is incorporated herein by reference as if written in length, in words and in figures herein.

ADMINISTRATION AND ENFORCEMENT

§ 155.51 DEPARTMENT; DUTIES AND POWERS.

(A) General. The Department of Codes and Regulations (hereinafter referred to as “Department”), or any successor agency or department, shall enforce the provisions of this chapter.

(B) Rule-making authority. The Director of the Department shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this chapter; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving requirements specifically provided for in this chapter, or of violating accepted engineering methods involving public safety.

(C) Inspections. The Department shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer

of such approved agency or by the responsible individual. The Department is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

(E D) Identification. Any employee of the Department shall carry proper identification when inspecting signs in the performance of duties under this chapter.

(F E) Citations, notices and orders. The Department shall issue all necessary citations, notices or orders to ensure compliance with this chapter.

~~§ 155.52 NOTICES; ORDERS.~~

~~———(A) Citation to owner or to person or persons responsible. Except as otherwise provided in subsection (C) hereof, whenever the Department, based upon personal observation of investigation, has reasonable cause to believe that a person has committed a violation of this code, the Department is authorized to issue a citation to the offender in accordance with § 32.283.~~

~~———(B) Form of citation. The citation shall contain the information as set forth in § 32.283(D).~~

~~———(C) Notice to owner or to person or persons responsible. Whenever the Department determines that there has been a violation of this code or has grounds to believe that a violation has occurred, in lieu of issuing a citation as set forth in subsection (A) hereof, notice may be given to the owner or person or persons~~

~~responsible therefore in the manner prescribed in subsections (D) and (E) hereof. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified in such notice, then the Department is authorized to issue a citation in accordance with subsection (A) hereof. Notices for condemnation procedures shall also comply with subsections (D) and (E) hereof.~~

~~_____ (D) Form. Such notice prescribed in subsection (C) shall be in accordance with all of the following:~~

- ~~_____ (1) Be in writing;~~
- ~~_____ (2) Include the address of the subject property or a description of the real estate sufficient for identification;~~
- ~~_____ (3) Include a statement of the violation or violations and why the notice is being issued;~~
- ~~_____ (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the sign into compliance with the provisions of this chapter;~~
- ~~_____ (5) Inform the property owner of the right to appeal;~~
- ~~_____ (6) Include a statement that a determination of violation shall be final unless appealed in accordance with this chapter; and~~
- ~~_____ (7) Include a statement of penalties provided for the violation(s).~~

~~———(E)—— Service. Such citation or notice prescribed in subsection (A) or (C), respectively, shall be properly served on the owner or his or her agent or the occupant when responsible for the violation, as the case may require. When occupant is served, the owner will be notified. A citation or notice is properly served if it is served personally, or if a copy is sent by certified mail or first-class mail to the last known address as recorded by the Jefferson County Property Valuation Administration, or if service is perfected in any other manner authorized under the laws of this Commonwealth. However, if the whereabouts of such person is unknown and cannot be ascertained by the Department in the exercise of reasonable diligence, the citation or notice is properly served if copies of the citation or notice are posted in a conspicuous place on the premises affected.~~

~~———(F)—— Violation penalties. Penalties for noncompliance with citations, orders and notices shall be as set forth in § 155.999.~~

~~§ 155.53 APPEALS; PROCEDURE.~~

~~———(A)—— Application for appeal. Any person directly affected by a decision of the Department or a notice or order issued under this code shall have the right to appeal to the Code Enforcement Board, provided that a written application for appeal is filed within 7 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this chapter or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this chapter do not fully apply, or the requirements of this chapter are adequately satisfied by other~~

~~means, or that the strict application of any requirement of this chapter would cause an undue hardship.~~

~~—— (B) Failure to appeal. The notice of violation shall represent a determination that the violation has been committed, and that determination shall be final unless an appeal is taken.~~

~~—— (C) Open hearing. All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Department and any person whose interests are affected shall be given an opportunity to be heard.~~

~~—— (D) Procedure. The Board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.~~

~~—— (E) Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.~~

~~—— (F) Board decision. The Board shall modify or reverse the decision of the Department only by a concurring vote of a majority of the total number of appointed board members.~~

~~—— (1) Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the Department.~~

~~—————(2)—— Administration. The Code Official shall take immediate action in accordance with the decision of the Board.~~

~~—————(G)—— Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court to appeal any errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision.~~

~~—————(H)—— Stays of enforcement. Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Code Enforcement Board.~~

~~—————(I)—— All appeals of notices, citations and orders written or issued shall be heard by the Code Enforcement Board in accordance with the hearing procedures set forth in §§ 32.275 et seq.~~

§ 155.52 LIMITED LIABILITY.

(A) The Department, officer or employee charged with the enforcement of this chapter, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

(B) Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the

provisions of this chapter shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Department or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this chapter; and any officer of the Department of Codes and Regulations, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

§ 155.997 SEVERABILITY.

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 155.998 VIOLATIONS; REMEDIES.

(A) Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, or use any sign or equipment regulated by this chapter, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this chapter or be in conflict with or in violation of any of the provisions of this chapter.

(B) Citation; notice of violation. The Department shall serve a citation, notice of violation or order in accordance with the provisions of § 32.275 et seq. ~~155-52.~~

(C) Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with this Chapter ~~§ 155.52~~, as determined by a site reinspection performed by the Department, shall be cited in accordance with this Chapter ~~§ 155.52~~ in order and the violation shall be deemed a strict liability offense to exact the penalty provided in this Chapter ~~§ 155.52(F)~~.

(D) Other remedies.

(1) The Metro Government shall possess a lien for all fines assessed for the violation of this chapter and for all charges and fees incurred by the Metro Government in connection with the enforcement of this chapter in accordance with § 32.288.

(2) In addition to the remedy prescribed in subsection (D)(1), above, the person found to have committed the violation of this chapter shall be personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by Metro Government in connection with the enforcement of this chapter. Metro Government may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt in accordance with § 32.288.

(E) Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to stop an illegal act, conduct of business or utilization of the sign.

§ 155.999 PENALTY.

(A) Any person, firm or corporation, who shall violate any provision of this chapter shall be subject to a civil penalty of \$100 for the first offense, and \$200 for each subsequent offense. Each day a violation continues after due notice has been served of the violation shall constitute a separate offense. ~~in accordance with the penalty schedule as set forth in Appendix A.~~ Any person cited pursuant to this subsection (A) may pay the minimum civil penalty within seven days from the date of issuance or request a hearing regarding such penalty to the Board in accordance with §§ 32.275 et seq. ~~If the person fails to respond to the citation within seven days as referenced above, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final and the civil fine and any other remedial measures set forth in the citation shall be imposed. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.~~

(B) The Metro Government shall possess a lien on property for all fines, penalties, charges and fees imposed pursuant to this chapter in accordance with § 155.998(D)(1). The lien shall be superior to and have priority over all other subsequent liens on the property except state, School Board and Metro Government taxes.

(C) Notwithstanding subsection (A) above, any person, firm or corporation who violates any provision of this chapter shall be subject to criminal proceedings and upon conviction thereof shall be subject to a fine of not more than

\$250 if committed by a person, not more than \$500 if committed by a corporation, or imprisonment for a term not to exceed 50 days, or both. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

~~APPENDIX A: CIVIL PENALTIES~~

~~CIVIL PENALTY SCHEDULE~~

~~Number of Inspections During the Period of Time in which the
Property Contains Uncorrected Violations~~

~~1 2 3 4 5 6+~~

~~Amount of Civil Penalty - Not Contested*~~

Number of Uncorrected Violations	1	\$100**	\$200**	\$300**	\$400**	\$500**	\$600**
2	\$200**	\$300**	\$400**	\$500**	\$600**	\$700**	
3	\$300**	\$400**	\$500**	\$600**	\$700**	\$800**	
4	\$400**	\$500**	\$600**	\$700**	\$800**	\$900**	

5	\$500**	\$600**	\$700**	\$800**	\$900**
	\$1,000**				
6	\$600**	\$700**	\$800**	\$900**	\$1,000**
	\$1,100**				
7	\$700**	\$800**	\$900**	\$1,000**	\$1,100**
	\$1,200**				
8	\$800**	\$900**	\$1,000**	\$1,100**	\$1,200**
	\$1,300**				
9	\$900**	\$1,000**	\$1,100**	\$1,200**	\$1,300**
	\$1,400**				
10+	\$1,000**	\$1,100**	\$1,200**	\$1,300**	\$1,400**
	\$1,500**				

* ~~_____~~ If contested, add \$100

~~** _____ This schedule is to be used for all sections/provisions of Chapter 155 and whenever the Department determines there has been a violation of such sections, the Department may issue a citation in accordance with § 155.52(A), or in lieu of issuing such citation, may issue notice in accordance with § 155.52(C).~~

SECTION II: This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Rick Blackwell
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____

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